

REMARKS

In the Amendment, claim 1 has been amended to further recite that the fluorine-containing elastomeric copolymer comprises another copolymerizable monomer in an amount of 0 to 10% by mole. This amendment is supported by the present specification, for example, at page 14, lines 3-4. In addition, claim 1 has been amended to recite that the total proportion of ethylene unit, hexafluoropropylene unit and vinylidene fluoride unit is 100 to 90% by mole. This limitation is derived from the amount of the another copolymerizable monomer of 0 to 10% by mole.

In addition, claims 1, 5, 8-10 and 15 have been amended to replace “terpolymer” with --copolymer-- to conform to the amendment to claim 1.

Claims 2-4, 6 and 7 were previously canceled.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, claims 1, 5 and 8-19 will be all the claims pending in the application.

I. Response to Rejection Under 35 U.S.C. § 102(b)

Claims 1, 5 and 8-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 518 073 A1 to Arcella et al (“EP ‘073”).

Applicants respectfully submit that the present claims are novel and patentable over EP ‘073 for at least the following reasons.

The present invention is directed to a copolymer containing ethylene unit ("E"), hexafluoropropylene unit ("HFP") and vinylidene fluoride unit ("VDF") as major components, and another copolymerizable monomer at a proportion of at most 10% by mole.

However, EP '073 does not disclose the total amount of E, HFP and VDF in its compositions. In the Examples of EP '073, copolymers which contains 17 to 61% by mole of monomer units of perfluoromethylvinylether ("MVE") and tetrafluoroethylene ("TFE"), in addition to E, HFP and VDF, do not satisfy the requirement of 0 to 10 % by mole of another copolymerizable monomer, wherein the total proportion of ethylene unit, hexafluoropropylene unit and vinylidene fluoride unit is 100 to 90% by mole.

For example, as shown in Table 1 at page 12 of EP '073, the polymer of Example 1 contained VDF (27.7 mole %), HFP (7.6 mole %) and E (21.0 mole %) in a total amount of VDF+HFP+E=56.3 mole % outside the scope of amended claim 1 requiring a total proportion of ethylene unit, hexafluoropropylene unit and vinylidene fluoride unit of 100 to 90 % by mole. Example 1 of EP '073 containing the "another" copolymerizable monomer in an amount of 43.7 mole % (MVE in an amount of 17.0 mole %, TFE in amount of 26.4 mole % and BVE in amount of 0.3 mole %) also does not meet the terms of amended claim 1 which require from 0 to 10 % by mole of the another copolymerizable monomer.

Namely, because EP '073 fails to disclose the above-noted two limitations of amended claim 1, it is respectfully submitted that EP '073 does not anticipate the present claims.

Moreover, the present invention provides a copolymer which has necessary and sufficient amine resistance and is capable of polyol vulcanization. In addition, the presently claimed

copolymer provides heat resistance, oil resistance and chemical resistance nearly equal to those of conventional fluororubber by containing the above-described VDF, HFP and E units at a specific ratio. EP '073 does not disclose or suggest such superior effects of the present invention.

In view of the foregoing, Applicants respectfully submit that the present claims are not anticipated or rendered obvious by EP '073 and thus the rejection should be withdrawn.

II. Conclusion

In view of the above, reconsideration and allowance of claims 1, 5 and 8-19 are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: April 14, 2006